

UNITED STATES DISTRICT COURT

for the
District of

Division

OCT 21 2021

Clerk, U.S. Courts
District of Montana
Helena Division*Rachell Rene Flores*

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Lewis Clark Sheriff's Office

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Lewis Clark County Sheriffs refused to protect me while Als threatening me over the phone many times.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

Lewis Clark County Helena Montana I called the Sheriff for help all they never showed up to me my abuser talked them into leaving without knowing if I was even alive since then I have had 3 main events they refused to protect me and threaten

- B. What date and approximate time did the events giving rise to your claim(s) occur?

2011, 2020, 2012, 2021.

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

A man witnessed and called 911 because I was being choked by my abuser. The LCSO showed up and refused to help me or charge my abuser. I have recordings on my phone of LCSO officer leaving threatening voice mails to me on my phone while at work. LCS have failed to protect me. I called 911 and requested help they only spoke with my abuser and never ever seen if I was alive or spoke with me although I called 911. A man assaulted me last year while he was drunk the LCSO refused to charge him or protect me.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Kathleen
2047 N. LAST CHANCE EULCH
HELENA MT 59601
City State Zip Code
Lewis Clark
437-1852

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Lewis & Clark County Sheriff's Office
4506 FULLER AVE
HELENA MT 59601
HELENA MT 59601
City State Zip Code
Lewis Clark
406-447-8293

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

☐ Individual capacity ☐ Official capacity

Form 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prison)

Defendant No. 3

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity☐ Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Address _____

City _____

State _____

Zip Code _____

County _____

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity☐ Official capacity

11. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Due Process Clause, 14th Amendment.
 Equal Protection Clause, 14th Amendment.
 Cruel and Unusual Punishment, 8th Amendment.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

The first time I was calling 911 was when I needed help from a life threatening event - they did not show up. I sustained CO₂ poisoning. The second time - they did not arrest my abuser when a witness called 911 for me. I was choked and my face was beaten unrecognizable. When they showed up I was in SURVIVAL mode and they refused to help me or charge my abuser even when another witness called 911. I was bruised and sent photos of my injuries last year and they refused to protect me again. Last night - they - the LCSO left a threatening message on my phone maliciously intimidating they are done.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I have never seemed to gotten the protection of the LCSO and because of them my known abuser has been used them to maliciously intimidate me. The effects it has had on my life because they refuse to protect me has caused the last 10 year of suffering. The LCSO have enabled my known abuser and I seek \$5 - compensation of \$2 million dollars. This lack of protection has caused so much damages in my life and now my child life while my abuser has been enabled by a officer sworn to protect me.